

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

NAVY SEALS 1-26, et al.,

Plaintiffs,

v.

LLOYD AUSTIN, III, in his individual capacity and
in his official capacity as Secretary of Defense, *et al.*,

Defendants.

Case No. 4:21-cv-01236-O

OFFICIAL CAPACITY DEFENDANTS' MOTION TO DISMISS

Pursuant to Rules 12(b)(1) and 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1406(a), Defendants move to dismiss this action for lack of subject matter jurisdiction and improper venue or, in the alternative, to transfer it to the District of Columbia, Eastern District of Virginia, or the Southern District of California pursuant to 28 U.S.C. § 1406(a). In support of this motion, the Court is respectfully referred to Defendants' accompanying brief and appendix.

Dated: January 14, 2022

Respectfully submitted,

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/s/Courtney D. Enlow
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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/Courtney D. Enlow

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